

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 11-305(6) (DSD/LIB)

United States of America,

Plaintiff,

v.

ORDER

Lawrence Lalonde Colton,

Defendant.

Allen A. Slaughter, Jr., Assistant U.S. Attorney, 316
North Robert Street, Suite 404, St. Paul, MN 55101,
counsel for Plaintiff.

Lawrence Lalonde Colton, #16069-041, FCI Milan, P.O.
Box 1000, Milan, MI 48160, pro se.

This matter is before the court upon the application to proceed on appeal without prepayment of fees by defendant Lawrence Lalonde Colton. A litigant who seeks to be excused from paying the filing fee for an appeal may apply for IFP status under 28 U.S.C. § 1915. See also Fed. R. App. P. 24(a). Because Colton was represented by appointed counsel during his original criminal conviction, he is automatically entitled to IFP status on appeal, unless the court affirmatively certifies otherwise. Fed. R. App. P. 24(a)(3); Flores-Flores v. United States, No. 05-140, 2005 WL 2000174, at *1 (D. Minn. Aug. 19, 2005). Although the court remains

fully satisfied that Colton's § 2255 petition was properly dismissed, his appeal is not frivolous and is therefore taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). As a result, Colton does not need further authorization from this court to proceed IFP on appeal. To eliminate any possible doubt about the matter, however, the IFP application will be granted. See Flores-Flores, 2005 WL 2000174, at *1.

Accordingly, based on the above, **IT IS HEREBY ORDERED** that Colton's application to appeal in forma pauperis [ECF No. 1244] is granted.

Dated: August 11, 2014

s/David S.Doty
David S. Doty, Judge
United States District Court